

# SCOTTISH BORDERS COUNCIL SCRUTINY COMMITTEE

MINUTES of Meeting of the SCRUTINY  
COMMITTEE held in COUNCIL CHAMBER,  
COUNCIL HEADQUARTERS, NEWTOWN  
ST BOSWELLS on Thursday, 28th May,  
2015 at 10.00 am

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Present:- Councillors G Logan (Chair), W Archibald, K Cockburn, S Mountford,  
J Torrance, I Gillespie and A J Nicol  
Also Present:- Councillor G Edgar  
Apologies:- Councillor R Stewart  
Absent:- Councillor A Cranston  
In Attendance:- Corporate Transformation & Services Director, Clerk to Council, Democratic  
Services Officer (P Bolson).

1. **MINUTE**  
There had been circulated copies of the Minute of 26 March 2015.

**DECISION**  
**NOTED for signature by the Chairman.**

**MEMBER**  
Councillor Archibald joined the meeting.

2. **PROCUREMENT - CONTROL OF CONTRACTORS POLICY/REPAIRS & MAINTENANCE FRAMEWORK AGREEMENT PROCUREMENT PROJECT**
  - (a) With reference to paragraph 6(a) (vii) of the Minute of 26 March 2015, there had been circulated copies of a Briefing Note on Control of Contractors Policy/Repairs and Maintenance Framework Agreement Procurement Project. The paper was presented to the Committee by Kathryn Dickson - Procurement and Payment Services Manager, Graham Cresswell - Health and Safety Manager, Ray Cherry - Senior Architect and Stuart Mawson – Property Manager. Ms Dickson explained that Scottish Borders Council had adopted the Control of Contractors Policy in May 2014 which required that the Council only employed contractors who were fully accredited members of Constructionline's Safety Schemes in Procurement (SSIP) and who held green status. Accreditation also supported the streamlined tendering process by minimising bureaucracy, as well as ensuring that all trades working for the Council on lower value reactive and planned maintenance works were compliant with Health and Safety requirements. The Control of Contractors Policy was considered by the Authorities Benchmarking Committee, which represented a group of eleven Local Authorities, to be essential for compliance with Health and Safety management. The full Policy was attached as an appendix to the report. Ms Dickson explained that although procurement could be seen as being bureaucratic, the process for registering with Constructionline reduced the amount of paperwork required so that contractors only needed to complete this once a year rather than for every contract. Once the forms had been completed by contractors, the information was assessed by officers prior to the contractor being added to the list of contractors used by the Council. Constructionline created tender lists for work within the Public Sector. These lists were accessible to contractors and offered an opportunity for companies to consider additional work. Mr Mawson advised Members that the Council issued approximately 11,000 work instructions issued each year and as it was not possible for a member of his team to visit each job, it

was essential to have a robust process and a minimum benchmark standard on which to rely. Mr Cherry explained that in the eyes of the law, the Council was the client and therefore had a legal responsibility to provide a safe working environment. The absence of registration with Constructionline would require officers of the Council to assess every contractor for each piece of work at a high labour cost to the Council. Discussion followed and officers responded to a number of questions raised by Members. Members were informed that the Procurement Team had run five roadshows the previous year to demonstrate to contractors how the process worked and offered support for those wishing to register with Constructionline. In terms of current registrations, 49 contractors now held full green status, 72 were in the process of being registered and a further 30 were yet to proceed with registration. A further well-attended event had been held recently at Springwood Park in Kelso when Constructionline was present to offer advice and support. Concern was raised regarding the status of Constructionline. Ms Dickson explained that paragraph 4.5 of the Control of Contractors Policy stated that Constructionline was government-owned. This had been the case when the Policy was reviewed in early May but Capita had, at a later date, taken ownership of Constructionline and this had yet to be reflected in the Policy. Future monitoring would be undertaken to ensure that the process was operating appropriately. In response to a further question from Members, Ms Dickson advised that since the introduction of Constructionline, of the 270 contractors available, about 50% had been awarded contracts. Details of fees for registration with Constructionline were contained on page 7 of the Briefing Note. Members were advised that there were 11 Local Authority Benchmarking Committees that met in smaller groups based on vicinity and demonstrated a wide range of Council representation which included Councillor Torrance.

- (b) Mr Mawson indicated that a minimum of 120 contractors was required to service the contracts for SBC properties and he was confident that this number would be reached. The repairs/maintenance contract operated on a call-off basis so contractors needed to be on site at 1 to 3 hours notice. A range of contractors were employed, with some able to cover all the Borders area and others who would have to travel further. Discussion took place in relation to the recording of Health and Safety incidents and it was acknowledged that there was a level of under-reporting. It was recognised that improvements needed to be made in terms of the reporting of Health and Safety incidents and that a culture change would be necessary in order to do this. Contractors were legally required to report incidents and further pro-active work was being undertaken to actively encourage companies to report. The Council had an electronic process of reporting which was available for contractors to use. In terms of work being carried out within Council properties, while the area being worked on would be segregated from staff/users of buildings, as these buildings were occupied, any incidents were also often reported back to Council HQ by staff based there. It was expected that Constructionline would have a positive impact on these figures and would use a traffic light system to indicate contractors' Health and Safety record. It was confirmed that documentation submitted by all contractors registered with Constructionline had to be verified every year and that this included the safety records for equipment. Members were advised that the Control of Contractors Policy would be reviewed on an annual basis and would therefore be capable of responding to any legislative changes that occurred. Further information was provided by officers on a number of points. It was acknowledged that any sub-contractors employed by the main contractor would be subject to the same criteria and would therefore be required to maintain the same standards for the duration of the contract. Officers explained that an extension had been given for contractors to sign up to Constructionline and provided further detail on the measures in place to ensure coverage of the SBC area. Mr Mawson also explained that Constructionline assessed the data received from an applicant and would then contact the contractor again to obtain further information as required. Members were advised that all contractors used by the Council were required to be

accredited but that same criteria was not required of the contractors' suppliers. If it would be useful, representatives from Constructionline could be invited to attend a future meeting of the Scrutiny Committee to provide additional information and answer Members' questions.

- (c) Members also discussed how large contracts such as Kelso High School were awarded. They were advised that those which were processed by Hubco were awarded using its main contractor list but were also subject to a range of criteria which included sub-contracting to local accredited businesses and the application of Community Benefits policy (environmental, economic and social factors) as much as possible. This had led to the creation of new jobs, apprenticeships and work experience opportunities. Any Hubco main contractors had key performance indicators which required them to use local companies as much as possible. Mr Mawson reported that feedback in relation to other large contracts in the Borders (such as the Galashiels Transport Interchange) indicated that local contractors provided a high standard of work on a value for money basis. In addition, access to Constructionline by local contractors had allowed them to tender successfully for work out with the area.

## **DECISION**

- (a) **NOTED the Briefing Paper.**
- (b) **AGREED not to proceed with a more in-depth review of the Contractors policy and use of Constructionline at the present time.**

### **3. NOTICE OF CONCERN PROCESS**

- (a) With reference to paragraph 5 of the Minute of 26 March 2015, there had been circulated copies of a report by the Director Corporate Transformation and Services proposing a process for the recording of Notices of Concern by Scrutiny. In addition to its "Call In" role, Scrutiny also had within its remit the power to issue a Notice of Concern whereby it gave notice to the Executive Committee of its intention to revisit a decision of the Executive at a future date to satisfy itself that the decision had been put into effect, or that the intended outcomes of the decision had been achieved. The Clerk to the Council explained that this did not mean that a decision of the Executive Committee was being challenged but merely that it would be revisited at a later date and the Note of Concern was a marker for this further future monitoring. A Note of Concern should include the reasons for its issue and the anticipated time when Scrutiny would revisit the matter but it would not defer the implementation of a decision by the Executive Committee.
- (b) Discussion followed in relation to the timescales for issuing a Notice of Concern and it was agreed that no time limit would be imposed on the basis that a concern might not be apparent for a considerable time after a decision was implemented.

## **PRIVATE BUSINESS**

### **(c) DECISION**

**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 8 of Part I of Schedule 7A to the Act.**

## **SUMMARY OF PRIVATE BUSINESS**

1. Members discussed issues relating to a large construction projects in the Council area.

## **PUBLIC BUSINESS**

## **DECISION**

### **AGREED to:-**

- (a) approve the proposed Notice of Concern process as detailed in the report; and
- (b) notify the Executive Committee of the decision to approve the Notice of Concern process.

## **4. SCRUTINY REVIEWS**

- (a) With reference to paragraph 5 of the Minute of 26 March 2015, there was circulated at the meeting a list of subjects which the Scrutiny Committee had been asked to review and which included the source of the request, the stage the process had reached and the date, if identified, of the Scrutiny meeting at which the information would be presented. Members were advised that care would be taken to ensure that there would not be any duplication of work undertaken by Audit and Risk Committee. It was further agreed that whenever possible, two Hearings would be scheduled for each meeting of the Committee. In terms of the Corporate Risk Register, Members were advised that this was being discussed at Corporate Management Team and if any appropriate areas for review from the Register were identified, these may be presented to Scrutiny for consideration at a future date. Two amendments to the list of subjects for review were agreed, namely the addition of the Drugs and Alcohol Strategy and that Home Schooling and Non-Schooling would be presented at the Scrutiny Committee meeting scheduled for August 2015. It was also agreed that an item proposed by a member of the public for review be considered under Private Business.

## **PRIVATE BUSINESS**

### **DECISION**

- (b) **AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 8 of Part I of Schedule 7A to the Act.**

## **SUMMARY OF PRIVATE BUSINESS**

- 2. Members discussed issues relating to the contract for a Waste Treatment Facility at Easter Langlee.

## **PUBLIC BUSINESS**

### **DECISION**

#### **AGREED:-**

- (a) the proposed list of subjects for review by Scrutiny Committee, subject to the following amendments:-
  - (i) the addition of a Hearing on the Drugs and Alcohol Strategy;
  - (ii) the Hearing on Home Schooling and Non-Schooling would be considered at the Scrutiny Committee meeting in August 2015;
- (b) that two Hearings be scheduled for each meeting of the Committee whenever possible; and
- (c) not to proceed with a review proposed by a member of the Public on the contract for a Waste Treatment Plant at Easter Langlee.

*The meeting concluded at 11.40 am*